

*City of Las Vegas*

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 17, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-33543 - APPLICANT/OWNER: RED CARD, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 6, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WOLFSON.***

**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend DENIAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Rezoning from C-1 (Limited Commercial) to C-2 (General Commercial) on 0.87 acres at 8490 Westcliff Drive. The subject site is an existing Convenience Store and Restaurant. In addition to this application, the applicant has submitted a request for a General Plan Amendment (GPA-33542) to change the General Plan designation from SC (Service Commercial) to GC (General Commercial), a Special Use Permit (SUP-33544) for a Truck Rental establishment and a Major Amendment (SDR-33546) to an approved Site Development Plan Review (Z-0110-90) to eliminate required landscape and to add truck storage for a proposed Truck Rental Establishment in conjunction with an existing Convenience Store and Restaurant.

The surrounding properties to the north and east are zoned C-1 (Limited Commercial), with General Plan designations of SC (Service Commercial), while the property to the west is zoned C-V (Civic), with a General Plan designation of PR-OS (Parks/Recreation/Open Space). The properties to the south are existing single-family residences zoned R-CL (Single Family Compact-Lot), with a General Plan designation of ML (Medium Low Density Residential). Staff finds that this proposal meets the Title 19.20.020 definition of "Spot Zoning", which is the "Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan." The proposed Rezoning and associated General Plan Amendment (GPA-33542) will result in the subject property being zoned in isolation from other similarly zoned parcels, and the intensity of uses that will be permitted within the proposed C-2 (General Commercial) zone will be much more intense than those currently permitted under the C-1 (Limited Commercial) zone; therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
11/07/90	The City Council approved a Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
06/25/91	The Planning Commission accepted a withdrawal of a Plot Plan and Building Elevation Review [Z-0110-90(1)] for a proposed Shopping Center located at the northeast corner of Westcliff Drive and Durango Drive.
04/01/92	The City Council approved a Reinstatement and Extension of Time [Z-0110-90(2)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.

04/30/92	The City Council approved a Special Use Permit (U-0036-92) to allow the sale of beer and wine, and the sale of gasoline, in conjunction with a proposed Convenience Store, and to allow a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.
05/19/93	The City Council approved an Extension of Time [Z-0110-90(3)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
06/04/93	The City Council approved an Extension of Time [U-0036-92(1)] for an approved Special Use Permit (U-0036-92) for the sale of beer and wine and the sale of gasoline, in conjunction with a proposed convenience store; and for a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.
05/12/94	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0110-90(5)] for a temporary construction trailer to be located at the northeast corner of Westcliff Drive and Durango Drive. Staff recommended approval of this request.
05/18/94	The City Council approved an Extension of Time [Z-0110-90(4)] of an approved Rezoning (Z-0110-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on property located at the northeast corner of Westcliff Drive and Durango Drive. The Planning Commission and staff recommended approval of this request.
06/09/94	The City Council approved an Extension of Time [U-0036-92(2)] for an approved Special Use Permit (U-0036-92) for the sale of beer and wine and the sale of gasoline, in conjunction with a proposed convenience store; and for a proposed Tavern on property located at the northeast corner of Westcliff Drive and Durango Drive. The Board of Zoning Adjustment and staff recommended approval of this request.
03/19/08	The City Council approved a Special Use Permit (SUP-25955) for a Package Liquor Off-Sale Establishment in conjunction with an existing Convenience Store at 8490 Westcliff Drive. The Planning Commission and staff recommended approval of this request.
04/09/09	The Planning Commission recommended denial of companion items GPA-33542, SUP-33544 and SDR-33546 concurrently with this application.  The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #28/dc).
<b><i>Related Building Permits/Business Licenses</i></b>	
08/15/97	A building permit (#97016880) was issued for a new building certificate of occupancy at 8490 Westcliff Drive. The permit received final approval 03/31/98.
08/15/97	A building permit (#97016881) was issued for onsite improvements at 8490 Westcliff Drive. The permit received final approval 03/05/98.

12/22/97	A building permit (#97025190) was issued for a new commercial building at 8490 Westcliff Drive. The permit received final approval 02/10/98.
01/21/98	A building permit (#98001099) was issued for exterior wall signage at 8490 Westcliff Drive. The permit received final approval 03/03/98
03/24/98	A building permit (#98006012) was issued for a sign at 8490 Westcliff Drive. The permit expired 03/11/00 without receiving final approval.
04/23/99	A building permit (#99007845) was issued for a 6.25 square-foot exterior wall sign at 8490 Westcliff Drive. The permit received final approval 02/23/00.
06/12/02	A building permit (#02010547) was issued for a channel letter wall sign and light band at 8490 Westcliff Drive. The permit expired 12/14/02 without receiving final approval.
07/31/02	A building permit (#02013792) was issued for a tenant improvement remodel at 8490 Westcliff Drive. The permit received final approval 09/25/02.
05/20/03	A building permit (#03010225) was issued for a sign at 8490 Westcliff Drive. The permit received final approval on 08/22/03.
05/21/03	A building permit (#03010265) was issued for a water kiosk at 8490 Westcliff Drive. The permit received final approval on 10/09/03.
12/09/03	A business license (#P35-00642) was issued for a pay phone location at 8490 Westcliff Drive. The license is currently active.
10/19/05	A building permit (#05007416) was issued for a kitchen remodel at 8490 Westcliff Drive. The permit received final approval on 01/27/06.
09/26/06	A building permit (#06006102) was issued for a sign at 8490 Westcliff Drive. The permit expired 03/31/07 without receiving final approval.
10/05/06	A building permit (#06006269) was issued for a sign at 8490 Westcliff Drive. Final approval of this permit was rejected 04/02/07 and the permit subsequently expired 09/29/07.
10/05/06	A business license (#L10-00264) was issued for beer/wine/cooler off-sale at 8490 Westcliff Drive. The license was marked out 03/20/08.
10/24/06	A business license (#G01-02269) was issued for restricted gaming at 8490 Westcliff Drive. The license is currently active.
11/07/06	A business license (#C15-00312) was issued for a convenience store/deli at 8490 Westcliff Drive. The license is currently active.
11/20/06	A business license (#C05-02255) was issued for retail tobacco sales at 8490 Westcliff Drive. The license is currently active.
05/24/07	A building permit (#07001743) was issued for a sign at 8490 Westcliff Drive. The permit received final approval 09/20/07.
03/26/08	A business license (#L15-00141) was issued for package liquor sales at 8490 Westcliff Drive. The license is currently active.
04/19/08	A business license (#C08-01795) was issued for amusement machines at 8490 Westcliff Drive. The license is currently active.
05/22/08	A building permit (#08000183) was issued for a sign at 8490 Westcliff Drive. The permit received final approval 08/12/08.
08/06/08	A business license (#R07-00831) was issued for a restaurant at 8490 Westcliff Drive. The license is currently active.

01/08/08	A Code Enforcement complaint (#70530) was processed for signage on city property. The case was resolved 10/10/08.
<b><i>Pre-Application Meeting</i></b>	
02/04/09	A pre-application meeting was held with the applicant where the submittal requirements of a General Plan Amendment, Rezoning, Special Use Permit and a Site Development Plan Review were discussed.
<b><i>Neighborhood Meeting</i></b>	
03/10/09	A neighborhood meeting was held on Tuesday March 10, 2009 at 5:30pm at the La Petite Academy, Training Room, located at 8451 Boseck Drive, Las Vegas, Nevada 89145. There was one representative of the applicant and one member of the Planning and Development Department in attendance at the meeting. There were no members of the general public present. The meeting was called to an end at 6:00 PM.
<b><i>Field Check</i></b>	
03/05/09	A field check was conducted by staff at the subject site. The subject property contained an existing Convenience Store with Fuel Pumps and a Restaurant within a single building. While the site was generally clean, staff noted that the window signage exceeded the 25% coverage permitted by Title 19.14, and the total area of wall signage exceeded the 20% maximum permitted by Title 19.14. In addition, a non-permitted wooden sign was noted at the northwest corner of the site fronting Durango Drive, the trash enclosure was missing the required screening gate, along with four rental trucks and two rental trailers parked on site.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.87

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Convenience Store and Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
West	Golf Course and Detention Basin [Approved Park and Ride Facility (SDR-26815) and Community Recreational Facility (SDR-27898)]	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

The subject site is located in the Southwest Sector of the General Plan and has a current General Plan designation of SC (Service Commercial). A General Plan Amendment (GPA-33542) to change the designation to GC (General Commercial) has been submitted along with the Rezoning request. The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

This is a proposal to Rezone the site from C-1 (Limited Commercial) to C-2 (General Commercial). The proposed C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as Mixed-Use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

The surrounding properties to the north and east are zoned C-1 (Limited Commercial), with General Plan designations of SC (Service Commercial), while the property to the west is zoned C-V (Civic), with a General Plan designation of PR-OS (Parks/Recreation/Open Space). The properties to the south are existing single-family residences zoned R-CL (Single Family Compact-Lot), with a General Plan designation of ML (Medium Low Density Residential). Staff finds that this proposal meets the Title 19.20.020 definition of "Spot Zoning", which is the "Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan." Because the applicant's proposal for a Rezoning to the C-2 (General Commercial) zoning district cannot be accomplished without resulting in the subject parcel being zoned in isolation from the adjacent C-1 (Limited Commercial) zoned properties to the north and east, C-V (Civic) parcel to the west and R-CL (Single-Family Compact-Lot) to the south while the intensity of uses allowed in a C-2 (General

Commercial) zoning district compared to a C-1 (Limited Commercial) zoning district are incompatible with the surrounding zoning districts, staff recommends denial of this request.



## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The proposed GC (General Commercial) land use designation on the subject parcel currently designated as SC (Service Commercial) is not compatible with the existing SC (Service Commercial) properties that surround the subject site to the north and east, and existing PR-OS (Parks/Recreations/Open Space) and ML (Medium Low Density Residential) parcels to the west and south, respectively. The increase in the intensity of uses that will be allowed creates an incompatibility with the surrounding properties; therefore staff recommends denial of this request and the affiliated companion items.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

Although the requested C-2 (General Commercial) zoning district is the appropriate zoning district for the proposed GC (General Commercial) land use designation, this commercial district is incompatible with the surrounding C-1 (Limited Commercial) zoned properties to the north and east, C-V (Civic) zoned property to the west, and R-CL (Single Family Compact-Lot) zoned properties to the south. The uses permitted by the proposed Rezoning will be much more intense than the planned surrounding land uses.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors in the community do not indicate the need or appropriateness of the proposed Rezoning. The proposed Rezoning will result in the subject property being in isolation from other similarly zoned parcels.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Access to the site is provided by Westcliff Drive and Durango Drive, both 100-foot Primary Arterials as designated by the Master Plan of Streets and Highways. Although Rezoning the subject property to a C-2 (General Commercial) zoning district will intensify the land use and associated vehicular traffic, the existing street facilities are adequate in size to meet the requirements of the proposed zoning district.



**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**ASSEMBLY DISTRICT**      34

**SENATE DISTRICT**      8

**NOTICES MAILED**      288 by City Clerk

**APPROVALS**      1

**PROTESTS**      7